

House File 87

HOUSE FILE _____
BY WINDSCHITL, SCHULTZ,
STRUYK, HELLAND, SORENSON,
and HUSEMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the taking of fingerprints upon an application
2 for a permit to carry a weapon.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1743YH 83
5 rh/nh/5

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1 1 Section 1. Section 690.2, Code 2009, is amended to read as
1 2 follows:
1 3 690.2 FINGER AND PALM PRINTS == PHOTOGRAPHS == DUTY OF
1 4 SHERIFF AND CHIEF OF POLICE.
1 5 The sheriff of every county, and the chief of police of
1 6 each city regardless of the form of government thereof, shall
1 7 take the fingerprints of all unidentified dead bodies in their
1 8 respective jurisdictions and all persons who are taken into
1 9 custody for the commission of a serious misdemeanor,
1 10 aggravated misdemeanor, or felony and shall forward such
1 11 fingerprint records on such forms and in such manner as may be
1 12 prescribed by the commissioner of public safety, within two
1 13 working days after the fingerprint records are taken, to the
1 14 department of public safety and, if appropriate, to the
1 15 federal bureau of investigation. Fingerprints may be taken of
1 16 a person who has been arrested for a simple misdemeanor
1 17 subject to an enhanced penalty for conviction of a second or
1 18 subsequent offense. In addition to the fingerprints as herein
1 19 provided, any such officer may also take the photograph and
1 20 palm prints of any such person and forward them to the
1 21 department of public safety. If a defendant is convicted by a
1 22 court of this state of an offense which is a simple
1 23 misdemeanor subject to an enhanced penalty for conviction of a
1 24 second or subsequent offense, a serious misdemeanor, an
1 25 aggravated misdemeanor, or a felony, the court shall determine
1 26 whether such defendant has previously been fingerprinted in
1 27 connection with the criminal proceedings leading to the
1 28 conviction and, if not, shall order that the defendant be
1 29 fingerprinted and those prints submitted to the department of
1 30 public safety. The court shall also order that a juvenile
1 31 adjudicated delinquent for an offense which would be an
1 32 offense other than a simple misdemeanor if committed by an
1 33 adult, be fingerprinted and the prints submitted to the
1 34 department of public safety if the juvenile has not previously
1 35 been fingerprinted. The taking of fingerprints for a serious
2 1 misdemeanor offense under chapter 321 or 321A is not required
2 2 under this section. Fingerprints shall not be taken from an
2 3 applicant for a permit to carry a weapon pursuant to section
2 4 724.10.

2 5 Sec. 2. Section 724.10, Code 2009, is amended to read as
2 6 follows:
2 7 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS == CRIMINAL
2 8 HISTORY CHECK REQUIRED.
2 9 A person shall not be issued a permit to carry weapons
2 10 unless the person has completed and signed an application on a
2 11 form to be prescribed and published by the commissioner of
2 12 public safety. The application shall state the full name,
2 13 driver's license or nonoperator's identification card number,
2 14 residence, and age of the applicant, and shall state whether
2 15 the applicant has ever been convicted of a felony, whether the
2 16 person is addicted to the use of alcohol or any controlled
2 17 substance, and whether the person has any history of mental
2 18 illness or repeated acts of violence. However, the

~~2 19 application shall not require and the sheriff shall not take~~
~~2 20 the fingerprints of the applicant.~~ The applicant shall also
2 21 display an identification card that bears a distinguishing
2 22 number assigned to the cardholder, the full name, date of
2 23 birth, sex, residence address, and a brief description and
2 24 colored photograph of the cardholder. The sheriff shall
2 25 conduct immediately a criminal history check concerning each
2 26 applicant by obtaining criminal history data from the
2 27 department of public safety. A person who knowingly makes a
2 28 false statement of material fact on the application commits a
2 29 class "D" felony.

2 30 EXPLANATION

2 31 This bill relates to the taking of fingerprints upon an
2 32 application for a permit to carry a weapon.
2 33 The bill provides that the sheriff shall not take the
2 34 fingerprints of an applicant for a permit to carry a weapon.
2 35 Under the bill and in current law, the sheriff shall conduct
3 1 an immediate criminal history check concerning each applicant.
3 2 LSB 1743YH 83
3 3 rh/nh/5